

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 17, 2003

AMENDED IN SENATE JUNE 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 61**

**Introduced by Assembly Member Dymally**

December 5, 2002

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~~An act relating to the Compton Community College District, and declaring the urgency thereof, to take effect immediately. An act to add Section 12304.4 to the Welfare and Institutions Code, relating to in-home supportive services.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 61, as amended, Dymally. ~~Compton Community College District: bonds~~ *In-home supportive services: direct deposit wage payments.*

*Existing law provides for the In-Home Supportive Services (IHSS) program, under which, through employment by the recipient, by or through contract by the county, or by the creation of a public authority or pursuant to a contract with a nonprofit consortium, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.*

*Under existing law, counties are responsible for the administration of the program. Existing law allows any IHSS recipient who hires and pays his or her service provider and who has been a recipient for at least a year to receive his or her IHSS grant through an electronic transfer.*

*This bill would allow any IHSS provider to authorize payment to him or her for IHSS services through direct deposit under a program established by the Controller. This bill would require the State Department of Social Services and the Controller to coordinate efforts to implement these provisions, as provided.*

~~Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges.~~

~~Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. At the November 5, 2002, statewide general election, the voters of the Compton Community College District approved a measure authorizing the issuance of \$100,000,000 of general obligation bonds.~~

~~This bill would prohibit the Compton Community College District from encumbering, or from entering into any contract that encumbers or contemplates the encumbrance of, any funds received from the sale of those bonds unless and until the Chancellor of the California Community Colleges completes an investigation in connection with those funds. The bill would authorize the chancellor to conduct this investigation. The bill would require that, if the chancellor determines that wrongdoing has occurred in connection with the issuance or sale of these general obligation bonds, or in connection with the disposition of any proceeds of the sale of these bonds, then, from the date of the chancellor's determination, none of these funds may be encumbered without the prior written approval of the chancellor. The bill would authorize the chancellor to adopt rules and procedures to govern this investigation and the submission, evaluation, and approval of proposed expenditures of these funds.~~

~~The bill would make a finding and declaration of the Legislature regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2~~<sub>3</sub> majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Notwithstanding any other provision of law:~~

2     *SECTION 1. Section 12304.4 is added to the Welfare and*  
3 *Institutions Code, to read:*

4     12304.4. (a) *Notwithstanding any other provision of law, any*  
5 *person entitled to the receipt of payment for providing IHSS*  
6 *services may authorize payment to be directly deposited by*  
7 *electronic fund transfer into the person's account at the financial*  
8 *institution of his or her choice under a program for direct deposit*  
9 *by electronic transfer established by the Controller.*

10    (b) *The department and the Controller shall coordinate efforts*  
11 *to implement this section in a cost-effective manner and shall*  
12 *provide sufficient time for any entity affected by the program to*  
13 *upgrade or adjust electronic payroll systems.*

14    ~~(a) No funds received from the sale of general obligation bonds~~  
15 ~~issued pursuant to Measure CC, approved by the voters of the~~  
16 ~~Compton Community College District at the November 5, 2002,~~  
17 ~~statewide general election, may be encumbered by that district, or~~  
18 ~~by any of its officers, employees, agents, or representatives, unless~~  
19 ~~and until the Chancellor of the California Community Colleges~~  
20 ~~completes an investigation in connection with those funds. The~~  
21 ~~chancellor is authorized to conduct this investigation.~~

22    ~~(b) If the Chancellor of the California Community Colleges~~  
23 ~~determines that wrongdoing has occurred in connection with the~~  
24 ~~issuance or sale of the general obligation bonds issued pursuant to~~  
25 ~~Measure CC, approved by the voters of the Compton Community~~  
26 ~~College District at the November 5, 2002, statewide general~~  
27 ~~election, or in connection with the disposition of any proceeds of~~  
28 ~~the sale of these bonds, then, from the date of the chancellor's~~  
29 ~~determination, none of these funds may be encumbered without~~  
30 ~~the prior written approval of the chancellor.~~

31    ~~(c) The Chancellor of the California Community Colleges is~~  
32 ~~authorized to adopt rules and procedures to govern the~~  
33 ~~investigation referenced in subdivision (a) and the submission,~~  
34 ~~evaluation, and approval of proposed expenditures of funds~~  
35 ~~received from the sale of the general obligation bonds issued~~  
36 ~~pursuant to Measure CC.~~

37    ~~(d) It is the intent of the Legislature that the Chancellor of the~~  
38 ~~California Community Colleges be encouraged to commence the~~

1 ~~investigation referenced in subdivision (a) immediately after the~~  
2 ~~act that adds this section becomes effective.~~

3 ~~SEC. 2. The Legislature finds and declares that, because of~~  
4 ~~unique circumstances applicable only to the Compton Community~~  
5 ~~College District, a statute of general applicability cannot be~~  
6 ~~enacted within the meaning of subdivision (b) of Section 16 of~~  
7 ~~Article IV of the California Constitution. Therefore, the enactment~~  
8 ~~of this special statute is necessary.~~

9 ~~SEC. 3. This act is an urgency statute necessary for the~~  
10 ~~immediate preservation of the public peace, health, or safety~~  
11 ~~within the meaning of Article IV of the Constitution and shall go~~  
12 ~~into immediate effect. The facts constituting the necessity are:~~

13 ~~In order to deal with urgent circumstances related to the security~~  
14 ~~of the funds raised through the sale of general obligation bonds~~  
15 ~~issued by the Compton Community College District, it is~~  
16 ~~necessary that this act take effect immediately.~~

